

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TASHA RATHBUN, individually and as
Personal Representative of the Estate of
Scarlett Rose Elmore,

Plaintiff,

v.

No. CV 22-53 SMV/CG

DARLA BANNIESTER, RN, et al.,

Defendants.

ORDER GRANTING UNOPPOSED MOTION TO STAY PROCEEDINGS

THIS MATTER is before the Court upon the unopposed *Motion to Stay Proceedings Pending Outcome of County Defendants’ Motion to Dismiss* [Document No. 13] (the “Motion”), (Doc. 18), filed on March 10, 2022, by Defendants Billy Massingill, Todd Bannister, Brianna Nowlin, Eddy County Board of Commissioners, Brian Rayroux, and Marlena Pell (“County Defendants”). In the Motion, County Defendants explain that their *Motion to Dismiss*, (Doc. 13), which is currently pending before the Court, asserts the defense of qualified immunity, which “protects governmental officials performing discretionary functions from liability as well as the burdens of trial and discovery.” (Doc. 18 at 2). As such, County Defendants ask that the Court stay proceedings pending the outcome of the *Motion to Dismiss*. *Id.* The Motion further states that counsel for Plaintiff and for Defendant Darla Bannister “do not oppose this Motion[,]” and that the lone remaining Defendant, Emma Rentschler, “has not been served with the [] Complaint.” *Id.* at 1. The Court, having considered the Motion and noting it is unopposed, finds good cause to stay discovery in this matter.

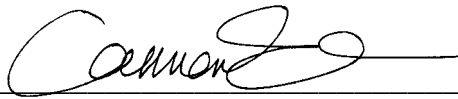
IT IS THEREFORE ORDERED that County Defendants’ unopposed *Motion to*

Stay Proceedings Pending Outcome of County Defendants' Motion to Dismiss

[Document No. 13], (Doc. 18), is **GRANTED**. All discovery in this case shall be stayed pending a ruling on Defendant's *Motion to Dismiss*, (Doc. 13).

IT IS FURTHER ORDERED that the Court's previous *Order for a Joint Status Report*, (Doc. 15), requiring the parties to submit a joint status report by March 17, 2022, is **VACATED**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE